

FEIN, SUCH & CRANE, LLP
747 Chestnut Ridge Road
Suite 200
Chestnut Ridge, New York 10977
(973) 538-4700
Attorneys for Secured Creditor

<hr/>	:	UNITED STATES BANKRUPTCY COURT
BRYANT B. DARELL,	:	SOUTHERN DISTRICT OF NEW YORK
	:	CHAPTER 13
Debtor.	:	
<hr/>	:	
BRYANT B. DARRELL	:	Docket No. 08-23821 RDD
	:	
	:	
Plaintiff,	:	Adv. Pro. No. 09-08265 RDD
	:	
vs.	:	
	:	
INDYMAC FEDERAL BANK FSB	:	
	:	
	:	
DEFENDANT	:	ANSWER TO THE ADVERSARY
	:	PROCEEDINGS
	:	

Defendant, Indymac Federal Bank FSB, by way of Answer to the
Complaint say:

1. Accepted.
2. Accepted.
3. Accepted.
4. Denied.
5. Denied.
6. Defendant accepts and denies portions of this
allegation.
7. Accepted.
8. Accepted.
9. Accepted.

10. Accepted.

11. Accepted.

12. Accepted.

13. Denied.

14. The allegation in paragraph 14 of Debtor's Adversary Complaint is neither confirmed or denied. Defendant's counsel was not copied on any Qualified Written Request despite entering an appearance in the instant case on January 6, 2009.

15. Defendant has no record of receiving said request.

16. Defendant has no record of receiving said request.

17. Defendant has no record of receiving said request.

18. Defendant has no record of receiving said request.

19. Accepted.

20. The allegation in paragraph 18 of Debtor's Adversary Complaint is neither confirmed or denied.

21. Defendant has no record of receiving said request.

22. Defendant has no record of receiving said request.

23. Defendant has no record of receiving said request.

24. Denied.

WHEREFORE, Defendant demands judgment dismissing the Complaint; for attorney's fees and costs; and for all other relief deemed equitable and just.

FIRST SEPARATE DEFENSE

The Complaint is barred in whole or in part by the Doctrine of Equitable and/or Legal Estoppel.

SECOND SEPARATE DEFENSE

The Defendants breached no duty to the Plaintiff.

THIRD SEPARATE DEFENSE

Defendants complied fully with all applicable standards of care with respect to the matters alleged in the Complaint.

FOURTH SEPARATE DEFENSE

The Complaint is barred by the Plaintiff's failure to mitigate damages.

FIFTH SEPARATE DEFENSE

The Plaintiff's Complaint does not set forth any basis for the request for punitive damages and, as such, such damages are not recoverable in this action.

SIXTH SEPARATE DEFENSE

Plaintiff's claims against these Defendants are frivolous and without basis in law or fact.

SEVENTH SEPARATE DEFENSE

The Complaint fails to set forth a claim upon which relief may be granted.

EIGHTH SEPARATE DEFENSE

Defendants reserve the right to assert additional defenses and/or supplement, alter and/or change this Answer upon the revelation of more definite facts by the various parties to this suit and completion of discovery and investigation.

DESIGNATION OF TRIAL COUNSEL

Tammy L. Terrell, Esq., is hereby designated as Trial Counsel on behalf of Defendants, Indymac.

DEMAND FOR SPECIFICATION OF MONEY DAMAGES

The undersigned, attorneys for the Defendant, hereby demand that within five days the Plaintiff furnish a statement of the amount of damages claimed.

DEMAND FOR DOCUMENTS

This shall serve as written demand for a true copy of each and every document/writing referred to in the Complaint.

FEIN, SUCH, KAHN & SHEPARD, P.C.
Attorneys for Plaintiff

Dated July 27, 2009

By: /s/ TAMMY L. TERRELL
Tammy L. Terrell, Esq.

CERTIFICATION

I hereby certify that the matter in controversy is a case not known to be the subject of any other action pending in any Court or a pending arbitration proceeding nor is any arbitration proceeding contemplated. I further certify that I know of no other party who should be joined in this action. If any of the foregoing changes, the particulars will be provided to all other parties and the Court by way of amended certification.

FEIN, SUCH, KAHN & SHEPARD, P.C.
Attorneys for Defendant

By: /s/Tammy L. Terrell
TAMMY L. TERRELL, Esq.

Dated: July 30, 2009